

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2019 MAY 21 PM 3:12

RICHARD WEST AND JOSEPH  
BRUYETTE, individually and on behalf of a  
class of similarly situated persons;

Plaintiffs,

v.

AL GOBEILLE, Vermont Secretary of  
Human Services, MARTHA MAKSYM,  
Vermont Deputy Secretary of Human  
Services, MICHAEL TOUCHETTE,  
Vermont Department of Corrections  
Commissioner, BENJAMIN WATTS,  
Vermont Department of Corrections Health  
Services Director, in their official capacities,  
and CENTURION OF VERMONT, LLC,

Defendants.

Civil Action No.

2:19-cv-81  
CLERK  
DEPUTY CLERK

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DECLARATION OF JAMES DIAZ

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I, James Diaz, declare under penalty of perjury and in accordance with the laws of the United States and of Vermont that:

1. I am an attorney for the Plaintiffs in this case.
2. Attached to this Declaration is Exhibit 1. Exhibit 1 is a true and accurate copy of the Vermont Department of Health's 2017 Vermont Situational Analysis regarding Hepatitis B and C as published in January 2018.
3. Attached to this Declaration is Exhibit 2. Exhibit 2 is a true and accurate copy of an October 23, 2018 letter from Vermont Secretary of Human Services Al Gobeille to the Vermont Legislature's Joint Legislative Justice Oversight Committee.

4. Attached to this Declaration is Exhibit 3. Exhibit 3 is a true and accurate copy of the publicly available Vermont Department of Corrections' Healthcare Services Policy #351 as made effective on November 28, 2017.
5. Attached to this Declaration is Exhibit 4. Exhibit 4 is a true and accurate copy of Centurion of Vermont's document entitled "Management of Hepatitis C," as provided in response to a request under the Vermont Public Records Act, 1 V.S.A. §§ 315 et seq.
6. Attached to this Declaration is Exhibit 5. Exhibit 5 is a true and accurate copy of a March 15, 2018 letter from Mike Fisher, Chief Health Care Advocate for Vermont Legal Aid's Office of the Health Care Advocate, to former Vermont Department of Corrections Commissioner, Lisa Menard.
7. Attached to this Declaration is Exhibit 6. Exhibit 6 is a true and accurate copy of a June 4, 2018 letter from David Turner, the Vermont Department of Corrections Policy Development and Offender Due Process Director, to Mike Fisher, Chief Health Care Advocate for Vermont Legal Aid's Office of the Health Care Advocate.
8. Attached to this Declaration is Exhibit 7. Exhibit 7 is a true and accurate copy of July 2018 email correspondence among leaders of the Vermont Agency of Human Services and Vermont Department of Corrections, as provided in response to a request under the Vermont Public Records Act, 1 V.S.A. §§ 315 et seq.
9. Attached to this Declaration is Exhibit 8. Exhibit 8 is a true and accurate copy of July 2018 email correspondence among leaders of the Vermont Agency of Human Services and Vermont Department of Corrections, as provided in response to a request under the Vermont Public Records Act, 1 V.S.A. §§ 315 et seq.
10. Attached to this Declaration is Exhibit 9. Exhibit 9 is a true and accurate copy of July 2018 email correspondence among leaders of the Vermont Agency of Human Services and Vermont Department of Corrections, among other state agencies, as provided in response to a request under the Vermont Public Records Act, 1 V.S.A. §§ 315 et seq.


11. Attached to this Declaration is Exhibit 10. Exhibit 10 is a true and accurate copy of an October 23, 2018 letter from Vermont Secretary of Human Services Al Gobeille to the Vermont Legislature's Joint Legislative Justice Oversight Committee.
12. Attached to this Declaration is Exhibit 11. Exhibit 11 is a true and accurate copy of September 28, 2018 email correspondence from Secretary of Human Services Al Gobeille to leaders of the Vermont Agency of Human Services and Vermont Department of Corrections, among other state agencies, as provided in response to a request under the Vermont Public Records Act, 1 V.S.A. §§ 315 et seq.
13. Attached to this Declaration is Exhibit 12. Exhibit 12 is a true and accurate copy of an April 22, 2019 letter from Benjamin Watts, the Vermont Department of Corrections Health Services Director, to Mike Fisher, Chief Health Care Advocate for Vermont Legal Aid's Office of the Health Care Advocate, copying leaders of the Vermont Agency of Human Services and Vermont Department of Corrections.
14. Attached to this Declaration is Exhibit 13. Exhibit 13 is a true and accurate copy of March 8, 2019 letter from Benjamin Watts, the Vermont Department of Corrections Health Services Director, to Mike Fisher, Chief Health Care Advocate for Vermont Legal Aid's Office of the Health Care Advocate, copying leaders of the Vermont Agency of Human Services and Vermont Department of Corrections.
15. Attached to this Declaration is Exhibit 14. Exhibit 14 is a true and accurate copy of April 2018 email correspondence of the Vermont Hepatitis C Task Force, and the Vermont Department of Corrections and Centurion of Vermont PowerPoint presentation slides provided to the Vermont Hepatitis C Task Force.
16. Attached to this Declaration is Exhibit 15. Exhibit 15 is a true and accurate copy of the December 4, 2017 "Dear Medicaid Provider" letter from the Vermont Department of Health Access, entitled "Important Changes to Coverage for Hepatitis C Agents."

17. Attached to this Declaration is Exhibit 16. Exhibit 16 is a true and accurate copy of February 20, 2014 email correspondence among leaders of the Vermont Department of Vermont Health Access and Vermont Department of Corrections private medical contractor, Correct Care Solutions, as provided in response to a request under the Vermont Public Records Act, 1 V.S.A. §§ 315 et seq.
18. Attached to this Declaration is Exhibit 17. Exhibit 17 is a true and accurate copy of March 2014 email correspondence among leaders of the Vermont Department of Vermont Health Access, as provided in response to a request under the Vermont Public Records Act, 1 V.S.A. §§ 315 et seq.
19. Attached to this Declaration is Exhibit 18. Exhibit 18 is a true and accurate copy of March 2015 email correspondence among leaders of the Vermont Department of Vermont Health Access and Vermont Department of Corrections private medical contractor, Centurion of Vermont, as provided in response to a request under the Vermont Public Records Act, 1 V.S.A. §§ 315 et seq.
20. Attached to this Declaration is Exhibit 19. Exhibit 19 is a true and accurate copy of February 2017 email correspondence among leaders of the Vermont Agency of Human Services, Department of Vermont Health Access, and Department of Corrections, as provided in response to a request under the Vermont Public Records Act, 1 V.S.A. §§ 315 et seq.
21. Attached to this Declaration is Exhibit 20. Exhibit 20 is a true and accurate copy of January and February 2017 email correspondence among leaders of the Vermont Agency of Human Services and Department of Corrections, among others, as provided in response to a request under the Vermont Public Records Act, 1 V.S.A. §§ 315 et seq.
22. Attached to this Declaration is Exhibit 21. Exhibit 21 is a true and accurate copy of June and July 2018 email correspondence among leaders of the Vermont Agency of Human

Services and Vermont Department of Corrections, as provided in response to a request under the Vermont Public Records Act, 1 V.S.A. §§ 315 et seq.

23. Attached to this Declaration is Exhibit 22. Exhibit 22 is a true and accurate copy of September and November 2018 email correspondence among leaders of the Vermont Agency of Human Services and Vermont Department of Corrections, among others, as provided in response to a request under the Vermont Public Records Act, 1 V.S.A. §§ 315 et seq.
24. Attached to this Declaration is Exhibit 23. Exhibit 23 is a true and accurate copy of the Vermont Department of Corrections Internal Document entitled "Guidance Document: Healthcare Services," dated June 20, 2018.
25. Attached to this Declaration is Exhibit 24. Exhibit 24 is a true and accurate copy of a Vermont Department of Corrections Draft Policy on "Hepatitis C Inmate Testing and Treatment," dated October 23, 2018.
26. Attached to this Declaration is Exhibit 25. Exhibit 25 is a true and accurate copy of November 7, 2018 email correspondence among leaders of the Vermont Department of Corrections, among others, with an attachment entitled "HCV Flowchart 10.25.18.pptx," as provided in response to a request under the Vermont Public Records Act, 1 V.S.A. §§ 315 et seq.
27. Attached to this Declaration is Exhibit 26. Exhibit 26 is a true and accurate copy of the January 2016 Centurion Disease Management Guidelines for Chronic Hepatitis C Virus.

DATED: May 21, 2019, in Montpelier, Vermont.

  
James Diaz